IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE E/S Putnam Road, 632' S of the * ZONING COMMISSIONER c/l of Monumental Road (2035 Putnam Road) * OF BALTIMORE COUNTY 13th Election District 1st Councilmanic District * Case No. 91-488-A Kenneth A. Queensberry, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance from Sections 1801.2.C. 2.b. and 504 (VB6.b.c of the CMDR) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side window to property line setback of 10 feet in lieu of the minimum required 15 feet and a facing window separation distance of 21 feet in lieu of the minimum required 40 feet for an existing window, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship o a wpon the Petitioners.

AFFIDAVIT in support of residential zoning variance 91-488-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at 2035 Putnam Road

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate bardship or practical difficulty) This condition exists through no fault of our own and has created a terrible inconvenience. It will create additional inconvenience and severe

hardship to require us to remove our window and close off the

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Kines Akeen Ken KENNETH A. QUEENBURRY AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMURE, to wit:

KENNETH A QUEENSBURY JANE A QUEENSBURY

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/ker/their knowledge and belief.

AS WITHESS my hand and Motarial Seal.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore Variance from Sections 1801.2.C. 2.b. and 504 (VB6.b.c of the CMDR) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side window to property line setback of 10 feet in lieu of the minimum required 15 feet and a facing window separation distance of 21 feet in lieu of the minimum required 40 feet for an existing window, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If for any reason this Order is reversed, the relief granted shall be rescinded and Petitioners would be required to file a new Petition.

> > Zoning Commissioner for Baltimore County

JRH:bjs

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

- 2-

SHAWAN PLACE, 5 SHAWAN ROAD **HUNT VALLEY, MARYLAND 21030**

> Telephone: (301) 527-1555 Facsimile: (301) 527-1563

ZONING DESCRIPTION LOT 16, MONUMENTAL PARK 2035 PUTNAM ROAD

Beginning at a point on the east side of Putnam Road, being 68 feet wide at a distance of 632 feet more or less, southerly from the centerline of Monumental Road which is 50 feet wide. Being Lot 17 in the subdivision of Monumental Park as recorded in Baltimore County Plat Book E.H.K., Jr. 46, folio 128. Containing 0.096 acres + also know as 2033 Putnam Road and located in the 13th election district.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

July 31, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. & Mrs. Kenneth A. Oueensberry

2035 Putnam Road Halethorpe, Maryland 21227

RE: PETITION FOR RESIDENTIAL VARIANCE E/S Putnam Road, 632' S of the c/l of Monumental Road (2035 Putnam Road) 13th Election District - 1st Councilmanic District Kenneth A. Queensberry, et ux - Petitioners Case No. 91-488-A

Dear Mr. & Mrs. Queensberry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

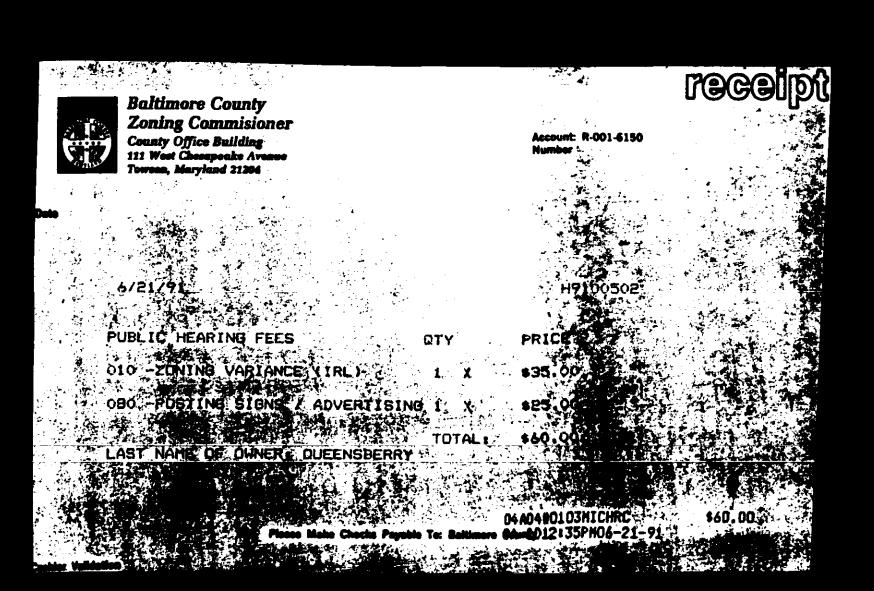
ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bis

File

cc: People's Counsel

CERTIFICATE OF POSTING Posted for: Kinneth & Tuerna juring of un Location of property: E South Statem Porce 1,32 South est the 0.2 M Michael Strad 2035 Putnam Port Location of Signer 1 11 front M J. 35 Futnom Pres



PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING CONNISSIONER OF BALTIMORE COUNTY;

(Type or Print Hope)

Attorney for Petitioners

The undersigned, legal owner(a) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1B01.2.C.2.b., 504 (VB6.b.c. CMDR) to allow a side window to property line setback

of 10 feet and facing window separation distance of 21 feet in lieu of the minimum

required 15 feet and 40 feet respectively. of the Zoning Regulations of Beltimore County, to the Zoning Law of Beltimore County, for the following receint (indicate herdahip or practical difficulty)

The condition exists through no fault of the petitioners. It would be an unnecessary inconvenience and a disruption of lives to require compliance.

Property is to be advertised end/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Varience posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the perualties of perjury, that I/we are the legal owner(s) of the property which is the subject of Legal Owner(s): Kenneth A. Queensberry (Type or Print Name) Kened Olling Signature
Jane A. Queensberry Type or Prist Name! 2035 Putnam Road 247-6975 Halethorpe, Maryland 21237 City/State/lip Code Mame, address and phone number of legal curse, contract purchases or representative to be contacted.

ZONING COPPLISSIONER OF BALTIPONE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER CROERED by the Zoning Commissioner of Baltimore County, this _____ ilan be advertised, as required by the Zaning Law of Beltimore County, in two newspapers of general circulation through

C of Beltimore County, that the property be reposted, and that the public hearing be had before the Zening Commissioner of Beltimore County in Room 105, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ etclock,

ZONING COMMISSIONER OF BALTIPUNE COUNTY

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

June 25, 1991

Kenneth and Jane Queensberry 2035 Putnam Road

Halethrope, Maryland 21227

LOCATION: E/S Putnam Road, 632' S of c/l Monumental Road 2035 Putnam Road

Dear Petitioner(s):

111 West Chesapeake Avenue

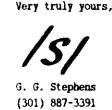
Towson, MD 2120+

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 14, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is July 29, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD. THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



111 West Chesapeake Avenue Towson, MD 21204

July 9, 1991

Mr. & Mrs. Kenneth A. Queensberry 2035 Putnam Road Halethorpe, MD 21237

RE: Item No. 502, Case No. 91-488-A Petitioner: Kenneth Queensberry, et ux Petition for Residential Variance

Dear Mr. & Mrs. Queensberry:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

887-3353

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 21st day of June, 1991.

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

ZONING COMMISSIONER

Received By:

Petitioner: Kenneth A. Queensberry, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: July 16, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Robert Dean Steele, Item No. 2 Michael L. Heil, Item No. 5 Thomas A. Back, Item No. 464 Frank Buccini, Item No. 465 Anthony Catalfo, Item No. 471 James F. Svel, Jr., Item No. 478 Dana R. Gift, Item No. 492 John C. Adamiak, Item No. 494 Najib Baha Amin, Item No. 496 Lloyd Blumenfeld, Item No. 500 Patrick S. Malone, Item No. 501 Kenneth A. Queensberry, Item No. 502 Barbara Black, Item No. 504 Martin Hahn, Item No. 506 Terrence Lee Maskol, Item No. 507 Greg M. Hall, Item No. 511

Lawrence Bartal, Item No. 513

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEMSVAR.IED/ZAC1

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 3, 1991 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for July 2, 1991

91-411-A

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 407-revised, 492, 494, 496, 497, 499, 500, 501, 502 and 503.

For Items 429-revised, a County Review Group Meeting is required.

For Item 272 (Case No. 90-434-SPHA), the previous County Review Group Meeting Comments are still applicable.

For Item 493, a 5-foot widening strip is requested for the ultimate 50-foot right-of-way width of Railroad

For Item 495, no permanent structures are allowed within the limits of Baltimore County drainage and utility easements.

For Item 498, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Red Lion Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

a. The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.

Zoning Advisory Committee Meeting July 2, 1991 Page 2

- b. The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"-5' horizontal to 1"=5' vertical scale.
- c. The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- d. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- e. The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- f. The relocation of any utilities or poles as required by the road improvements.
- g. The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paying thickness shall conform with Baltimore County Standards.

Developers Engineering Division

RWB:s

Baltimore County Government Fire Department 700 East Joppa Road Suite 901 (301) 887-4500 Towson, MD 21204-5500 JULY 26, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: KENNETH A. QUEENSBERRY #2035 PUTNAM ROAD Location:

> Zoning Agenda: JULY 2, 1991 Item No.:

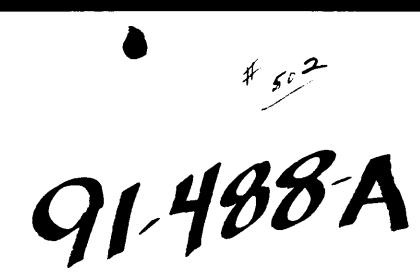
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Catt Joseph Hely 1-96-41 Approved Approved Fire Prevention Bureau Special Inspection Division

JK/KEK

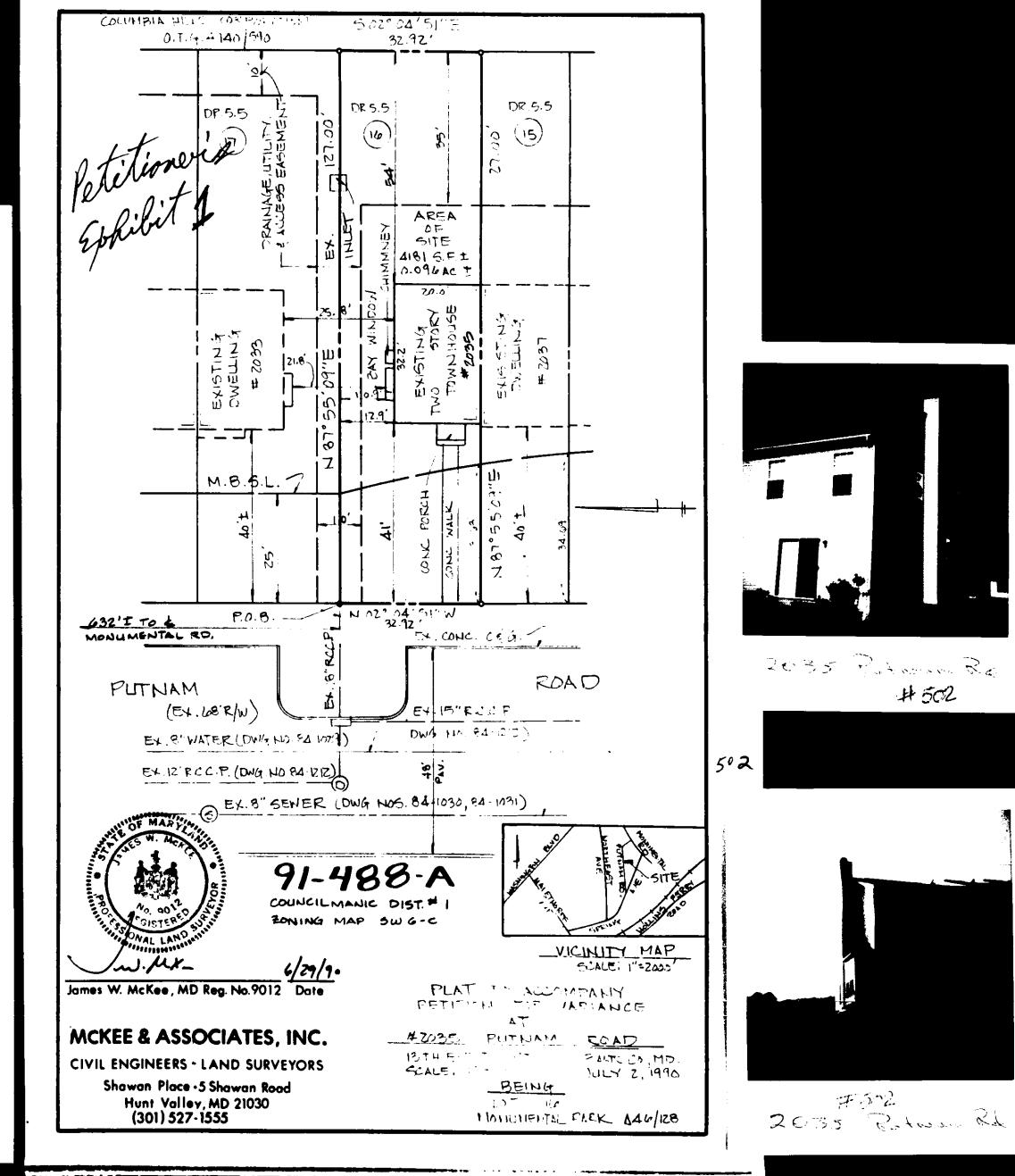


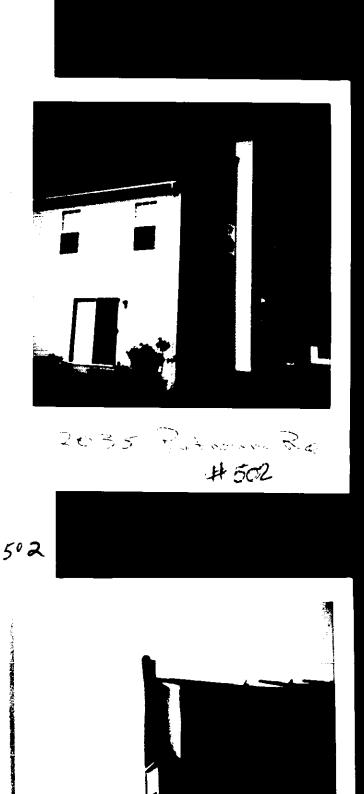
The Zoning Commissioner Baltimore County Zoning Office Baltimore County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Dear Sir:

We the undersigned owners of the residence at 2033 Putnam Road wish to offer our support for the variances being requested by the owners of the residence and immediately adjoining lot at 2035 Putnam Road.

Diane Mengele Malone





TABULATION COORPINATE SCHEDULE CURVE DATA Existing Zoning ----- P.R 5.5 Actual Area Of Truct ----- 9.352 Ac ± 17. 384 5 114 4 280 00' 114047 00" 72 65' Putnam Rd Area ----- 176 Ac. ± 23 112 14 18 029.50 30 31 28000 10 50 35 5299 2057 NC3 20 20 E 5291 10' Droinage & 1/z Monumental Rd. Frontage ----- 0.069 Ac ± at lity tasomenty Dwelling Units Permitted ---- 58.735 Dwelling Units Proposed Townrouse Lots -----26 Individual Lets -----------------30 Total No. Proposed ---- 56 Open Space Required ----- 0.641 Act 23,206.80 17,881.01 Open Space Provided ----- 0.73 Ac.: 4 21,879 90 17,695.20 34 23,212.07 MW. S. Kittler 21,861.42 17,775.06 35 23,361.97 18,020.47 Parking Provided 2726/224 16 22,057.98 17.872.72 36 23,350.71 17,87557 Townhouse ------54 7 22,084.17 17,871.75 37 23,396 93 17,870 97 VICINTY MAP 18 22,084.12 17,853.70 38 21,83982 18 00234 19 22,06349 17,83271 39 21,64512 18,08104 20 82,604 14 17,850 70 SPRING ROAD 65.35 33.00 60.00 35.00 55.00 60.00 95.00' GO.00' 55.00' Building Setback - 104776 -€ 203B PUTNAM ROAD Sprop 25' Widening Strip ---N.02-04'51"W 2 = 202 = 2027 = 201 = 2073 = 2021 = 2010 = 2017 = 2012 = 2013 = 2011 € 2059 = 2057 = 2055 = 2059 = 2051 -2047 =2045 -2041 -2041 -2039 - 2031 L. B. Murray DR-55 Trunsities 3274/95 SPRING ROAD g Access Easement G 4740/990 (8) Columbia Hins Corporation O.T. G. 4743/590 EHK. JR. 46 FOLIO 128 MONUMENTAL PARK A RESUBDIVISION OF PART. OF SECTION B "PLAT OF LEGEND OAK PARK ADDITION WPC. 7, PART 1-23 Lot Number Shown Thus For Title Reference Gas Fred O.T.G. 6033/490 House Number Bhown Thus BALTIMORE COUNTY, MO ELECT. DIST. 413 Original Tract Boundary Shown Thus SCALE: 1" -50' Proposed Right Of Way Line Shown Thus Highway And Highway Widening, Slope, Prainage And PEVELOPER Utility Easements Shown Hereon Ara Reserved Easement Lines Shown Thus Unto The Developer And Are Hereby Offered For Dedication To Baltimore County, Maryland The Daveloper, His Parsonal Representatives And Assigns, Shall Convey Said Areas By Deed To Wm. T. Stevenson & Geo. W. Llewelly'n Elassic Developers, Me. Building Setback Lines Shown Thus P.O. Box 503 Willersville, Ma 21108. Arneld , Maryland 21018 Lot Lines Shown Thus Baltimers County Matyland At No Cost Prainage Area: Patapoco Pumping Station GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. SURVEYORS CERTIFICATE: OWNERS CERTIFICATE: CIVIL ENGINEERS & LAND SURVEYORS MARY DAY BURNEY A RESISTER DUAY BURNEYDROF THE HADEN SOME OF THE EAVE BOWN ON ME MARYLAND SIGIA THE STATE OF MARYLAND DORS IN HERY CLETIFY HAT THIS WIME WERE OF CENTIFIES THAT, TO THE BEST OF IT'S AND THE THE THE HE STREET OF SUBSCRIPTION OF STREET CHE IS THE SURVEYOR WHO PREPARED THIS FEAT AND THAT LANGE WE THE OF THE MEAL PROPERTY ARTICLE OF THE THE LANE SHOWN ON THIS PLAT HAS BEEN LART OUT AND THE SCAT THEREOF HAS BEEN PREPARED IN KOM A HIGHALET CORE OF WANTHAND, HAS WE'N COMPLIED. P.W.A. COMPLETED 437 901 WITH IN WEAR AS SAME CONCERNS THE MAKING OF THE FLIANGE WETH SUBSECTION ICE OF SECTION & 108 OF THE COMPUTED BY A.C. CHECKED BY P. B. C. WELL PHOPERSY ARTICLE OF THE ANNOTATED CODE OF PLATANCETH SETTING OF THE MARKETS, MARY LAND PARTICULANTY IN MET AN AS SAN'S CONCERNS THE MAKING PATHERE AT AND STATING OF THE MARKENS - BUTD -W 18314.89 X-8619 W 1830377

